

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED
13
NOV 13 2008

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

SYLVESTER M. CHEATHAM,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:08CV00008

JUDGMENT

By: James P. Jones

Chief United States District Judge

Based upon the court's de novo review of those portions of the magistrate judge's report and recommendations to which the plaintiff objected, it is **ADJUDGED AND ORDERED** as follows:

1. The plaintiff's objections are overruled;
2. The magistrate judge's report and recommendations are accepted;
3. The motion for summary judgment by the Commissioner of Social Security ("Commissioner") is granted;
4. The final decision of the Commissioner is **affirmed**; and
5. The clerk is directed to close the case.

ENTER: November 13, 2008

[Signature]
Chief United States District Judge